



FREEDOM OF INFORMATION
AND
PRIVACY ACTS

SUBJECT millard Dea Grubbs

FILE NUMBER 44-NJ-28247

SECTION NUMBER 2



FEDERAL BUREAU OF INVESTIGATION

F B I

Date 8/19/66

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL AIR MAIL
(Priority)

TO: DIRECTOR, FBI

FROM: SAC, LOUISVILLE (44-643)

RE:
b7C JEFFERSON CIRCUIT COURT
LOUISVILLE, KENTUCKY;
MILLARD D. GRUBBS - VICTIM
CIVIL RIGHTSb7C Reference is made to Louisville letter and LHM dated
April 12, 1966, bearing the caption
JEFFERSON CIRCUIT COURT - CRIMINAL BRANCH, LOUISVILLE, KY.,
ET AL; MILLARD D. GRUBBS, ET AL - VICTIMS, CIVIL RIGHTS."

Transmitted herewith is LHM (4).

Instant matter is connected with referenced matter.

USA RIVERS in his letter transmitting GRUBBS' correspondence asked that appropriate investigation be conducted.

He is being furnished a copy of instant LHM and will be advised that the matter has been furnished to the department and that no further investigation will be conducted in this matter.

③-Bureau (Enc. 4)
1-LouisvilleGWH/sms
(4)1cc: AAG Civil Rights Division
Form 6-94 *H. F. H. / eam*
8-23-66 1 cc CIVIL RIGHTS UNIT

REC 45

44-28247-42

5 AUG 22 1966

F256
55 AUG 22 1966Approved: _____ Sent _____ M Per _____
Special Agent in Charge



In Reply, Please Refer to
File No

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Louisville, Kentucky
August 19, 1966

b7C

[REDACTED]
JEFFERSON CIRCUIT COURT
LOUISVILLE, KENTUCKY;
MILLARD D. GRUBBS - VICTIM
CIVIL RIGHTS

By letter dated August 17, 1966, Ernest W. Rivers, U. S. Attorney, Western District of Kentucky, furnished a letter from Millard D. Grubbs dated August 11, 1966, to Mr. Rivers. This letter enclosed a copy of the letter also dated August 11, 1966, to Mr. Elmer N. Carrell, Clerk, Jefferson Circuit Court, Louisville, Kentucky.

The letter from Mr. Grubbs to Mr. Rivers is quoted as follows:

"I enclose herewith a copy of my letter dated today addressed to the Clerk of the Jefferson Circuit Court relative to the unlawful conversion of funds deposited with said clerk as cash bail bonds.

Hon. Martin R. Glenn, Clerk of the U. S. District Court here has the record of a removal proceeding in this matter that is now pending upon appeal before the U. S. Circuit Court of Appeals for the Sixth Circuit, in which Hon. William J. Dammarell, former U. S. District Attorney, Cincinnati, is representing the movants-appellants in said case.

b7C

I am informed by [REDACTED] FBI here that he has given copies of pleadings and steps in this matter to your office, and therefore, I assume that you are in some respect acquainted with the case.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

ENCLOSURE

44-28247 47

[REDACTED]

I have a copy of the official transcript of evidence in a trial held on January 24, 1966, in the Jefferson Circuit Court, before Judge, J. Miles Pound, which had jurisdiction of the case, as it was still exclusively within the Federal Courts on appeal from an order to remand, issued by Judge Henry L. Brooks. The appeal was taken pursuant to Subsection (D) of Section 1447 Title 28 U. S. C. The stay of state court proceedings in such case is not by judicial order, but is under the mandate of the statute itself and contained in Section 1446 (E).

The importance of this matter and the seriousness of the denials of our civil and constitutional rights causes me to write you for an appointment in which I can discuss with you the Federal Laws with relation to the admitted facts in this affair.

I will appreciate hearing from you at once with a date of appointment."

Mr. Grubbs' letter to Mr. Elmer N. Carrell is quoted as follows:

"On February 4, 1965, as Chairman of the National Law Enforcement Committee, I deposited with your office, the sum of Twenty Five Hundred (2500) Dollars, as bail in the amounts of \$500.00 each for the five defendants named in indictment number 129896.

On January 25, 1966, these appearance bonds were no longer needed and the liability under them ceased and it was your official duty to have refunded the \$2500.00 to me. In an effort to keep from discharging faithfully your official duty as clerk, you have resorted to falsehood, fraud, subterfuge and an attempt to absorb as much of this cash bond deposit by claiming illegal and fictitious costs in the case and striving to apply this bond deposit money on such illegitimate claims in order to convert to your own use and benefit or to the use and benefit of others the funds of this cash deposit. On February 28, 1966, you finally gave checks totaling \$1629.60 to Mr. Jack M. Lowery, my Attorney here, and keeping under said fictitious and unlawful claims, the sum of \$870.40 which you have unlawfully converted, all of which you have done under color of law in participating in and in aid of carrying out the

[REDACTED]

corrupt criminal plot to 'PROTECT H. A. LEWIS, DIRECTOR OF REAL ESTATE FOR THE URBAN RENEWAL AGENCY OF LOUISVILLE,' AND TO 'GET MR. MILLARD D. GRUBBS - CHAIRMAN OF THE NATIONAL LAW ENFORCEMENT COMMITTEE' because of his unyielding loyalty and devotion to the government and laws of our ancestors.

In your avid and energetic promotion of the Hellish plot to 'Get Mr. Grubbs' by using public power to deny him all of his constitutional and civil rights, the following is a partial and impressive list of the violations of solemn official oath and the betrayal of sacred public trust of acts which have eventuated.

(I) The receipts you gave for the said cash deposit were on the printed forms of former Clerk of the Court, Mr. John R. Hennessy, and your name did not appear thereon.

(II) The said receipts were given in the names of the defendants themselves for whose release the said money was deposited by me, and you and all your deputies connected with the deposit of the cash amount of \$2500.00 saw me hand Mr. John T. Gover the cash for each of said bonds and well knew I was the one putting up the money.

(III) A motion for a rule against you was filed in April, 1965, to compel you to correct said improper receipts, and your evil intentions in the matter came to the surface when you refused to correct said mistake and resisted the motion by influencing the extremely hostile Judge, J. Miles Pound, to keep a hearing from taking place on the motion by passing it to another day and on and on.

b7C (IV) [REDACTED] had to 'Read the riot act' to force you to refund her \$2,000.00 in cash she deposited in connection with this fraud and frame-up.

In letter in reply to my notice to you relative to this matter, your Mr. McKinowey wrote advising that the cash deposit fund would be returned to this committee when the cases were over.

On February 28, 1966, you gave to Mr. Jack M. Lowery, my attorney here, checks totaling \$1629.60, and you have thus converted to your own use and benefit, or to the use and benefit of others, the sum of \$870.40, and you have done the above unlawful acts in participation of the bold and boastfully

b7C

[REDACTED]

expressed plan to 'Protect H. A. Lewis, Director of Real Estate for the Urban Renewal Agency here,' and to do so by 'Getting Mr. Millard D. Grubbs,' by the denial of civil and constitutional rights secured him by the Constitution and laws of the U. S.

I hereby demand that you mail check for the balance due me from said cash deposit above stated.

F B I

Date 9-15-66

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL _____
(Priority)

TO: DIRECTOR, FBI (44-28247)
 FROM: SAC, LOUISVILLE (44-643) (P)
 SUBJECT:
 b7C JEFFERSON CIRCUIT COURT -
 CRIMINAL BRANCH, LOUISVILLE,
 KENTUCKY, ET AL;
 MILLARD D. GRUBBS - VICTIM
 ET AL;
 CIVIL RIGHTS

Re Louisville letter 4-12-66.

On 9-15-66, victim GRUBBS voluntarily personally appeared this office and furnished copy of a motion and supporting affidavit he had filed in criminal court, Louisville, Kentucky, during Aug., 1966. Motion and affidavit relate to motion to correct record of the local trial against GRUBBS. He claims that during the trial a discussion was held in the judge's chambers as to the instructions to be issued to the jury; that GRUBBS was present during such discussion acting as his own attorney, and when GRUBBS attempted to have the judge include in his instructions to the jury that criminal intent was a necessary element of the alleged crime committed, the judge ordered GRUBBS from the chambers thereby leaving GRUBBS with no one to represent him during the remainder of the discussion in chambers.

LHM follows.

EX-110

③ - Bureau
 2 - Louisville
 WLW:bmg
 (5)

REC-139

44-28247-43

18 SEP 16 1966

— *[Signature]*

cc. With

61 SEP 26 1966

Approved _____ Sent _____ M Per _____
 Special Agent in Charge

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (44-28247)

FROM : SAC, LOUISVILLE (44-643) (C)

SUBJECT: b7C [REDACTED]

DATE: 9/20/66

JEFFERSON CIRCUIT COURT -
CRIMINAL BRANCH
LOUISVILLE, KENTUCKY;
ET AL;
MILLARD D. GRUBBS - VICTIM;
ET AL
CIVIL RIGHTS

Re Louisville airtel 9/15/66.

Enclosed are original and three copies of a letterhead memorandum of this date regarding captioned matter. Copy furnished USA, Louisville, Ky.

As Bureau will note the enclosed letterhead memorandum has attached to it copies of an FD-302 which has attached to it copies of several documents furnished by GRUBBS. These are attached to only three copies of the enclosed FD-302.

During GRUBBS voluntary contact it was again pointed out to him that as he had been earlier advised by SA [REDACTED] Assistant Attorney General JOHN DOAR, has concluded there is no investigative jurisdiction of the FBI in this matter. GRUBBS stated he understood this but he did feel that the FBI's record in this matter should contain the information he furnished on September 15, 1966.

2 - Bureau (Enc. 4)
1 - Louisville
WLW/eb
(3)

ENCLOSURE

1cc: AAG Civil Rights Division
Form 6-94 G *RLB/ada*

1 cc CIVIL RIGHTS UNIT

EX-103

REC- 62 44-28247-44

SEP 21 1966

b7C



5010-108

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

EXP. PROC.

FEDERAL BUREAU OF INVESTIGATION

Date September 20, 1966

1

MILLARD B. GRUBBS, 1427 South Sixth Street, Louisville, Kentucky, voluntarily appeared at the Louisville Office of the Federal Bureau of Investigation and furnished the following data:

GRUBBS stated he felt the FBI's record concerning his case should contain the following information:

On June 10, 1966, Jefferson County Criminal Court Judge J. NILES POUND, denied GRUBBS motion for a new trial and confirmed the jury's recommendation of a five year prison sentence for GRUBBS. Thereafter GRUBBS, through his attorney, JACK LOWERY, filed an appeal with the Court of Appeals in Frankfort, Kentucky.

Later in reviewing the transcript of trial records, GRUBBS noted that it did not reflect an incident which had occurred in the chambers of Judge POUND during the trial when GRUBBS, acting as his own attorney, requested POUND instruct the jury that criminal intent was a necessary element in the alleged crime. During the discussion, according to GRUBBS, POUND became extremely incensed, cursed GRUBBS, and ordered him from the chambers, leaving GRUBBS with no legal representation during the remainder of the discussion. Accordingly, during August, 1966, GRUBBS filed with the court a motion for the record to be corrected to show the incident had occurred.

GRUBBS made available a copy of the following documents he had filed with the court in this respect:

An undated, unsigned "Motion To Correct Record" in the case of Commonwealth of Kentucky vs. Millard B. Grubbs, et al." by JACK M. LOWERY, JR., Attorney (One page);

Undated, unsigned affidavit by MILLARD B. GRUBBS (Two pages);

On 9/15/66 at Louisville, Kentucky File # LS 44-643

b7C

by SA /eb Date dictated 9/20/66

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

ENCLOSURE 44-28247-41

An undated, unsigned "Supplemental Affidavit"
by MILLARD D. GRUBBS (Two pages);

Affidavit of JAMES E. FINCH dated August 24,
1966 (One page);

Undated, unsigned affidavit of BESSIE T.
MORRIS (Two pages)

Affidavit of ALBERT P. SIKKING (Attorney
who represented GRUBBS co-defendants, JOHN
GOVER, WALTER MULLIKIN, and JAMES FINCH) dated
August 24, 1966 (Two pages);

Affidavit of Commonwealth Attorney, EDWIN
A. SCHROERING, JR., dated August 26, 1966
(One page);

Affidavit of Assistant Commonwealth Attorney
JOHN ROGERS dated August 26, 1966 (One page);

Affidavit of Court Reporter, MARGUERYTE
LOCHRIDGE dated August 29, 1966 (Two pages).

One copy of each of the above documents is attached
hereto.

GRUBBS pointed out that in the affidavit of
SCHROERING and ROGERS, they state they at no time heard
Judge POUND state the words attributed to him by GRUBBS
and observed that a court reporter was present at all
times during the trial and transcribed everything that
was said. In this respect GRUBBS noted that the Court
Reporter, LOCHRIDGE, in her affidavit stated there
could have been times during the trial when she was not
present at discussions held in the Judge's chambers but
she has no recollection one way or the other on this
point but does not recall being present in the chambers

—

during any discussion between parties as to the instructions be given a jury. GRUBBS observed it was at this time that POUND had cursed him and ordered him from the room.

GRUBBS commented that regarding his co-defendants JOHN GOWER and WALTER MULLIKEN, neither has had any contact with GRUBBS since the trial in January, 1966. GRUBBS anticipates no further contact with either as GRUBBS feels they agreed not to further associate with him in return for Judge POUND withholding judgment in March, 1966, as to the jury's recommendation that they be given prison terms.

GRUBBS remarked that the transcript of his trial record was sent to the Court of Appeals, Frankfurt, Kentucky, on September 1, 1966, where the matter is now pending.

GRUBBS also mentioned that his appeal to the Sixth Circuit Court of Appeals, Cincinnati, Ohio, wherein he has appealed the opinion of United States District Court Judge HENRY L. BROOKS, Louisville, Kentucky, in January, 1966, denying GRUBBS request that his case be transferred from local court to Federal court is still pending. This appeal is being handled for him by Attorney WILLIAM G. DANMAHILL of Cincinnati, Ohio, who filed "an excellent brief" with the Circuit Court on August 25, 1966. The Government has 30 days to answer the brief.

GRUBBS commented that recently Miss BESSIE T. MORRIS who had headed the Community Improvement League in Louisville and who is interested in assisting GRUBBS in his difficulties, took a copy of DANMAHILL's brief to United States Attorney ERNEST W. RIVERS in Louisville and was told by RIVERS that he already has a copy of this brief.



In Reply, Please Refer to
File No

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Louisville, Kentucky
September 20, 1966

b7C

[REDACTED]
JEFFERSON CIRCUIT COURT -
CRIMINAL BRANCH
LOUISVILLE, KENTUCKY;

[REDACTED]
JEFFERSON COUNTY, KENTUCKY;

[REDACTED]
JEFFERSON COUNTY, KENTUCKY;

[REDACTED]
URBAN RENEWAL AND COMMUNITY
DEVELOPMENT, LOUISVILLE, KENTUCKY;
MILLARD D. GRUBBS - VICTIM;

[REDACTED] - VICTIM;

[REDACTED] - VICTIM;

[REDACTED] - VICTIM;

[REDACTED] - VICTIM

CIVIL RIGHTS

b7C Attention is invited to memorandum dated April 12, 1966, and previous memoranda concerning captioned matter. Attention is also invited to a memorandum dated August 19, 1966, entitled [REDACTED] Jefferson Circuit Court, Louisville, Kentucky; Millard D. Grubbs - Victim; Civil Rights."

Attached is a copy of a report of interview with Millard D. Grubbs on September 15, 1966.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

44-28247-4-1
ENCLOSURE

NO. 129406

JEFFERSON CIRCUIT COURT

CRIMINAL BRANCH

SECOND DIVISION

COMMONWEALTH OF KENTUCKY

PLAINTIFF

-VS-

MOTION TO CORRECT RECORD

MILLARD D. GRUBBS, et al

DEFENDANT

oOo

Comes the defendant, in person and by counsel and pursuant to Rule 12.60, Kentucky Rules of Criminal Procedure moves the Court to correct the record in the above styled action by supplying and including in the said record the following accurate narrative account of an occurrence which took place in chambers during the trial of the above styled action and which is not presently reflected in the records of the Court or the transcript of evidence. In support whereof there is attached hereto, the affidavit of the defendant, MILLARD D. GRUBBS.

Jack M. Lowery, Jr.
Attorney for Defendant
417-19 Louisville Trust Bldg.
Louisville, Kentucky. 40202
587-0506

At a Court Held August 29, 1966
Affidavit of Court Reporter filed as
Counter-affidavit on behalf of defendant.

Filed in Clerk's Office August 29, 1966

Comes the affiant, and first being duly sworn, deposes
and states as follows:

I am Margueryte Lochridge, the Official Reporter for
The Jefferson Circuit Court, Criminal Branch, Second Division.
In this capacity, I was present during the trial of the
above styled action. During the course of this trial there
were at least two sessions in which I was summoned into
chambers and out of the hearing of the jury and at the request
of either the judge, Commonwealth, or one of the defendants
to record and transcribe the proceedings that took place there.
On each of these occasions, I recorded the proceedings to
the best of my ability and they are contained in the transcript
of record.

There may have been certain occasions in which I
the parties, the Commonwealth, and the trial judge retired
to chambers during which time I was not present, although,
I have no recollection one way or the other concerning this.
I do not recall, however, being present in chambers during
any discussion by the parties of the instructions. The only
recollection of the events surrounding the preparation of
instructions were that these instructions were given me by
the trial judge at various times during the trial near the
close of the case. I am quite certain that I was never present
in chambers with the Commonwealth, the trial judge, or the
various defendants for any discussion of the instructions.
To the best of my recollection, when the case was closed by
both the Commonwealth and defendants, I retired to my office
to complete the preparation of the instructions. That is all
I know concerning this. The first information I received
concerning these allegations was when I received a phone call
from Mr. Grubbs approximately a month ago informing me of same.

Counter-affidavit of John Rogers, Filed in Clerk's Office,
August 26, 1966, is as follows; to-wit:

Comes the affiant, John Rogers, Assistant Commonwealth
Attorney of the 30th Judicial District, and being first duly
sworn according to law, deposes and states as follows:

During the trial of the above styled case, counsel for
the Commonwealth as well as counsel for all defendants had a
number of hearings in chambers of the trial judge, J. Miles
Pound, out of the hearing of the jury to discuss numerous
defense motions or Commonwealth motions on points of law. During
all of these sessions without question the court reporter was
present and recorded and transcribed everything that was said.
Counsel for the Commonwealth, or his assistant, was present
during all of the proceedings in this case and at no time did
we hear the trial judge state the words attributed to him by
the defendant, Millard D. Grubbs.

Millard D. Grubbs at his insistence during this entire
trial represented himself and at many times expressed the
belief that only he was competent to so represent himself. He
was present during all proceedings in court before the jury
and in chambers with the court. At no time did any hearing
occur in Mr. Grubbs, absence and to the best knowledge of the
affiant, the circumstances and facts set forth in the affidavit
of Millard D. Grubbs are without foundation.

/s/ John Rogers
Assistant Commonwealth Attorney

Subscribed and sworn to before me by John Rogers this
26th day of August, 1966

Virginia M. Paskewitz
Notary Public
Jefferson County, Kentucky
My Commission expires
May 31, 1970

Before me the undersigned authority in and for the state and county aforesaid, personally appeared Margueryte Lochridge and states that the statements contained in the aforesaid affidavit are true as she verily believes.

Subscribed and sworn to by Margueryte Lochridge on the 29th day of August, 1966.

Janice L. Byrnes (Wilson)
Notary Public
State-at large, Ky.
My Commission expires
January 29, 1969

It is hereby certified that a true copy and correct copy of the foregoing affidavit was mailed to Edwin A. Schoerins, Jr., Commonwealth's Attorney, 30th Judicial District, Court House Louisville, Kentucky, on the 29th of August, 1966

Attorney for defendant

JEFFERSON CIRCUIT COURT

SECOND DIVISION

PLAINTIFF

SUPPLEMENTAL AFFIDAVIT

DEFENDANTS

' Comes the defendant, MILLARD D. GRUBBS, who first being
duly sworn, deposes and states as follows:

My affidavit previously filed in support of the Motion to Correct the Record is herein reiterated in its entirety and incorporated herein by reference. In addition to the matters contained in that affidavit, I wish to additionally to state as follows:

On or about the 1st day of February, 1966, I caused to be filed an "Application For Injunction And For Temporary Restraining Order" before the United States Court Of Appeals for the Sixth Circuit in which I sought to restrain the Jefferson Circuit Court, Criminal Branch, Second Division, from proceeding any further in the above styled action. In this application I stated under oath as follows:

" The behavior and demeanor of the said State Court and its presiding Judge were only hostile to the defendant and this Appellant therein and it reached a climax at the time there appellants and their attorneys were called into chambers by the said Judge to discuss the instruction to be given to the jury in said trial. During the said discussion the said Judge's conduct, which was named the presiding judge, was such that his instructions were given by the said court in a hostile manner to the defendant and this Appellant therein.

criminal intent, to which the Judge stated in substance that such instructions would work harm to the defendants and in the following argument between the Judge and this appellant, the said presiding Judge made this statement: 'God Damn you, get out of this room or I'll have you thrown out.' At that point this appellant, then was acting as his own counsel in said trial, looked at the Judge a moment as two deputy sheriffs moved to enforce the Judge's orders and he left the conference in the Judge's office without anyone being in there to defend his rights or to protect them, and such instructions were not given the jury."

The affiant further states that the records of the United State Court of Appeals for the Sixth Circuit in the matter of the affiant's application for injunction and for temporary restraining order against the Jefferson Circuit Court will reveal, and the affiant ask this court to take judicial notice of the fact that no response to the above sworn application was filed by the Honorable J. Miles Pound, Judge of the Jefferson Circuit Court, Criminal Branch, Second Division, nor was any response filed in his behalf by the Commonwealth Attorney of this Judicial District, the Attorney General of the Commonwealth of Kentucky or otherwise and that the said applications stand judicially admitted as a consequence thereof.

Affiant

STATE OF KENTUCKY)
) SS:
COUNTY OF JEFFERSON)

Before me, a notary public in and for the State and County aforesaid, personally appeared Willard D. Grubbs, who first being duly sworn states that the statements contained in the foregoing Affidavit are true as he verily believes.

My commission expires March 5, 1967.

Notary Public, Jeff. Co., Ky.
JACK M. LOWERY, JR.
ATTORNEY AT LAW
417 19 LOUISVILLE TRUST BUILDING
LOUISVILLE KENTUCKY 40202

NO. 124596

JEFFERSON CIRCUIT COURT

CRIMINAL BRANCH

SECOND DIVISION

COMMONWEALTH OF KENTUCKY

PLAINTIFF

-VS-

AFFIDAVIT

MILLARD D. GRUBBS, et al

DEFENDANT

oCo

Comes the affiant, who first being duly sworn, deposes and states as follows:

At one point during the trial of the above action the trial judge retired to chambers to go over with parties and their attorneys the instructions to be given in this case out of the presence and hearing of the jury. After the judge, the defendants, and their respective attorneys, this affiant and the Commonwealth's attorney were assembled in the said chambers, this affiant requested in substance that the trial judge instruct the jury that criminal intent was a necessary element of the alleged crime in the case. The affiant does not know why but the trial judge became apparently angry at the affiant and shouted:

"God damn you, get out of this room or I'll have you thrown out."

The affiant, who at this time and place was acting as his own attorney, was thus given no alternative but to leave the chambers and did so. As a result, no one was left in chambers during the preparation of the instructions to assert or defend the rights of this affiant or to otherwise act in his behalf. The requested instruction to the jury was consequently not given.

STATE OF KENTUCKY)
) SS:
COUNTY OF JEFFERSON)

Before me personally appeared Millard D. Grubbs who first being duly sworn states that he has read the statements contained in the foregoing Affidavit and that the same are true as he verily believes.

Subscribed and sworn to on this the ____ day of August,
1966, My commission expires March 6, 1967.

Notary Public, Jefferson County, Ky.

JEFFERSON CIRCUIT COURT
CRIMINAL BRANCH
SECOND - DIVISION

NO. 29-66

Commonwealth of Kentucky

Plaintiff

V
A F F I D A V I T

Paul B. Wright, et al

Defendants

Now do we the affiant and defendant James E. Finch, and files his affidavit in support of the motion to correct the record in this case, and being duly sworn states as follows:

That in the trial of the above styled case and court on January 20 and 25th 1966, at a point in said trial, Judge J. Miles Pound, presiding Judge in said case retired to the court room to discuss with the parties hereto and all counsel the instructions to be given the jury in this case. After the said judge, the defendant's attorney, their respective attorneys and the Commonwealth Attorney, had assembled in said chambers for such purpose and the said discussion had gotten underway, the defendant Willard D. Grubbs, who was acting as his own attorney in said case asked Judge J. Miles Pound to give the jury an instruction covering the lack of "criminal intent" in said case, and the Commonwealth Attorney belittled such request stating it was immaterial or improper and while such discussion was going on between Mr. Grubbs and the judge, this defendant and affiant left the chambers a moment and when he returned to the chambers, Mr. Grubbs was going out the door and in Mr. Grubbs' absence the said judge stated: "I ought not to have used profanity or talked to that old man that way."

The affiant states that the defendant Mr. Grubbs did not return to the chambers or take any further part in said discussion of the instructions.

Affiant says he has read the statements in the foregoing affidavit and they are true as he verily believes.

*State Attorney
County, Marion*

James E. Finch

Subscribed and sworn to before me personally by James E. Finch this 20th day of August 1966.

Donald M. Davis
Notary Public

My Commission Expires 11-12-67

NO. 129896

JEFFERSON CIRCUIT COURT
CRIMINAL BRANCH
SECOND DIVISION

COMMONWEALTH OF KENTUCKY

PLAINTIFF

-VS-

A F F I D A V I T

MILLARD D. GRUBBS, et al

DEFENDANTS

oOo

Comes the affiant, Miss Bessie T. Morris, and in support of motion made herein to correct the record, after being duly sworn states as follows:

She is a resident and housekeeper of Jefferson County, Kentucky, and is Chief officer of the Community Improvement League, Inc., and as such was present in the Court of Judge J. Miles Pounce, Jefferson Circuit Court, Criminal Branch, Second Division, at all times the court was in session on January 24th and 25th, 1966, during the trial of above styled case.

That at a time in said trial, the trial Judge and all the defendants, their respective attorneys, Mr. Grubbs, who was acting as his own attorney, and the Commonwealth Attorneys, all left the court room together, as this affiant understood to have the judge discuss with them the instructions to be given the jury in said case.

That the said parties and said judge had been out of the court room just a very short time, when Mr. Millard Grubbs one of the defendants in the case returned to the court room, looking highly disturbed and his face extremely white, and his voice trembling, and told this affiant that the said judge had ordered him out of the chambers. I was struck by his words and appearance.

happened. He in substance stated: "I requested the Judge to instruct the jury in the case as to the law relating to the necessity for 'a criminal intent'," and that Judge Pounds roared: "God Damn you, get out of this room, or I will have you thrown out." Mr. Grubb's voice was trembling and he seemed to be suffering from extreme shock.

She, the affiant further states that Mr. Grubbs stayed in the court room in the presence of all the audience and did not return to the said court chamber, and that in several minutes later the said Judge Pound, the other defendants and their attorneys came back into the court room and took their seats at counsel tables with the said Judge Pound resuming trial with him on the Bench.

Bessie T. Morris, Affiant

Personally appeared before me this the ____ day of August, 1966, the affiant, Miss Bessie T. Morris, who says that she has read the statements in the foregoing Affidavit and that they are true as she verily believes.

Notary Public

My commission expires _____.

AN AFFIDAVIT

The affiant, Albert P. Siskinn, being first duly sworn states that he is a licensed and practicing attorney in Louisville, Jefferson County, Kentucky, and that on January 24 and 25, 1966, he represented John Gover, Walter Mullikin and James Finch, in a trial in the Criminal Division of the Jefferson Circuit Court in Jefferson County, Kentucky, and that at said trial there were two other co-defendants, one being Paul Wright, who was represented by counsel and the other being, Millard Grubbs, who acted as his own attorney.

That near the close of this trial all of the parties and their counsels were gathered in the chambers of the trial judge, the Hon. Miles Pound. It is the best recollection of this affiant, that at that time there was a discussion in regards to the instructions to be given to the jurors and that several other matters concerning the trial were being discussed; that at the close of this discussion and after several motions had been made concerning the instructions, the defendant, Millard Grubbs, made some statements to Judge Pound which this affiant either did not hear or does not now recall, and that at the time Judge Pound ordered the defendant, Millard Grubbs, to leave his chambers. After Mr. Grubbs left the chambers of Judge Pound, this affiant and the other parties and their attorneys remained in the Judge's chambers for a short period of time, this affiant now being unable to judge in minutes how long a time, and this affiant is at this time unable to state the nature

of any discussions or motions relative to the issues involved in the trial, if any, which took place after the defendant, Willard C. Hubbs, left the Judge's chambers.

Albert P. Sicking
ALBERT P. SICKING

SUBSCRIBED AND SWORN to before me by Albert P. Sicking, affiant herein, this 24th day of August, 1966.

My commission expires January 21, 1967.

J. S. Summerville
J. S. SUMMERVILLE
JEFFERSON COUNTY, KENTUCKY

and the Commonwealth of Kentucky by counsel and moves
the Clerk's Office August 26, 1966, as follows:

the Commonwealth of Kentucky by counsel and moves
the court to overrule the motion to overrule the Motion of
Millard D. Grubbs to Amend and Correct the Record. in the
within action. and in support thereof files herewith his
Counter-affidavit.

/s/ Edwin A. Schoering, Jr.
Commonwealth's Attorney
Attorney for Plaintiff.

Counter-affidavit

Comes the affiant, Edwin A. Schoering, Jr. Commonwealth's
Attorney, of the 30th Judicial District, who being first duly
sworn according to law, deposes and states as follows;

During the trial of the above styled case, counsel for
the Commonwealth as well as counsel for all defendants had a
number of hearings in chambers of the trial judge, J. Miles
Pound, out of the hearing of the jury to discuss numerous de-
fense Motions or Commonwealth motions on points of law. During
all of these sessions without question the court reporter was
present and and recorded and transcribed everything that was
said. Counsel for the Commonwealth, or his assistant was
present during all all of the proceedings in this case and
at no time did we hear the trial judge state the words attributed
to him by the defendant, Millard D. Grubbs.

Millard D. Grubbs at his own insistence during this entire
trial represented himself and at many times expressed the belief
that only he was competent enough to so represent himself. He
was present during all proceedings in court before the jury and
in chambers with with court/ At no time did any hearing
occur in Mr. Grubbs, absence, and to the best knowledge of the
affiant, the circumstances and facts set forth in the affidavit
of Millard D. Grubbs are without foundation.

/s/ Edwin A. Schoering, Jr.
Commonwealth Attorney
Attorney for Plaintiff

Subscribed and sworn to before me by Edwin A. Schoering, Jr.
This the 26th day of August, 1966

Virginia W. Paskevitz
Notary Public
Jefferson County, Kentucky
My Commission expires;
May 31, 1970

XERO
COPY

XERO
COPY

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (44-28247)

DATE: 2-1-67

FROM : SAC, LOUISVILLE (44-643)

SUBJECT: b7C

Jefferson Circuit Court
Criminal Branch
Louisville, Ky.;
ET AL;
MILLARD D. GRUBBS - VICTIM
ET AL
CR

Re Bureau airtel dated 1-20-66 and Louisville tel dated 2-1-66 reflecting that pursuant to Bureau's instructions victim GRUBBS was advised by this office on 2-1-66 that all data he had furnished in the past to this office concerning instant matter had been forwarded to Assistant AG DOAR who considered case closed as there is no Federal violation within Bureau's jurisdiction and in event GRUBBS had any further questions, he might desire to communicate directly with DOAR.

For completion of Bureau files, the following is noted:

b7C On 1-11-67 the victim GRUBBS telephonically advised SA [redacted] of this office that he had finally decided to write to DOAR concerning instant matter to specifically ask of DOAR upon what authority of the law DOAR based his opinion of "there is no violation in this matter." On 1-20-67, GRUBBS telephonically advised that in response to his letter to DOAR he had received a reply from a M. W. HUBBARD, Chief of the Eastern Section of the CR Division, U.S. Dept. of Justice, who wrote that the Dept. records indicated GRUBBS had been informed on or about 2-3-66 that the information GRUBBS had furnished did not disclose a violation of a Federal criminal statute, and further that the information the Dept. received subsequent to that time "adds nothing which would cause us to revise that judgment." In addition, HUBBARD wrote, "further correspondence in this matter will serve no useful purpose."

GRUBBS commented that he certainly is not satisfied with the answer from HUBBARD because the question he raised, that is, upon what authority of law DOAR's decision was made, was

② - Bureau
② - Louisville
WJW:ds

51 FEB 13 1967

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

REC 33 44-28247-45
FEB 3
15 FEB 2 1967

b7C

LS 44-643

certainly not answered by HUBBARD's letter, and although HUBBARD wrote that further correspondence would serve no useful purpose, GRUBBS intended to further write to HUBBARD.

b7C In furnishing the above information, GRUBBS made no request of this office for any action, but commented he wanted SA [] to know of the response he had received from the Department. He mentioned that the appeal he has pending in instant matter with the Sixth Circuit Court of Appeals in Cincinnati, Ohio, is set for a hearing on 1-31-67. As previous communications indicate, GRUBBS attempted to have instant matter transferred from local court to Federal Court; however, this transfer was refused by USDC in Louisville and GRUBBS has appealed that decision.

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (44-28247)

FROM : SAC, LOUISVILLE (44-643) (C)

SUBJECT: b7C [REDACTED]

DATE: 3/14/67

Jefferson Circuit Court
Criminal Branch
Louisville, Kentucky;
ET AL;
MILLARD D. GRUBBS - VICTIM
ET AL
CR

Re Louisville letter dated 2/1/67.

Enclosed are original and three copies of a letterhead memorandum incorporating information volunteered by victim GRUBBS on March 10, 1967.

The data has been included in letterhead memorandum primarily because of GRUBBS' statement that he has learned from highly placed source, which he did not identify, that Assistant Attorney General JOHN DOAR is trying to take action in this matter to be of assistance to GRUBBS.

Copy of the enclosed has been disseminated locally to USA, Louisville.

ENCLOSURE

② - Bureau (Enc. 4)
1 - Louisville
WLW/bbs
(3)

REC-58

44-28247-46

1cc: AAG Civil Rights Division
Form 6-94 - C PSH/CCU

EX-113

MAR 16 1967

MAR 16 1967

1 cc CIVIL RIGHTS UNIT

b7C

70 MAR 23 1967
139





In Reply, Please Refer to
File No.

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Louisville, Kentucky

March 14, 1967

b7C

[REDACTED]
JEFFERSON CIRCUIT COURT -
CRIMINAL BRANCH
LOUISVILLE, KENTUCKY;

[REDACTED]
JEFFERSON COUNTY, KENTUCKY;

[REDACTED]
JEFFERSON COUNTY, KENTUCKY;

[REDACTED]
URBAN RENEWAL AND COMMUNITY
DEVELOPMENT, LOUISVILLE, KENTUCKY;
MILLARD D. GRUBBS - VICTIM;

[REDACTED] - VICTIM;

[REDACTED] - VICTIM;

[REDACTED] - VICTIM;

[REDACTED] - VICTIM

CIVIL RIGHTS

Attention is invited to memorandum dated September 20, 1966, and previous memoranda concerning captioned matter.

Attached is a copy of a report of interview with Millard D. Grubbs on March 10, 1967.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

44-28247-46
ENCLOSURE

FEDERAL BUREAU OF INVESTIGATION

Date 3/14/67

1

MILLARD D. GRUBBS, 1427 S. 6th Street, Louisville, Kentucky, voluntarily telephonically furnished the following data:

The appeal GRUBBS has pending with the Sixth Circuit Court of Appeals in Cincinnati, Ohio, was argued before that Court on January 31, 1967. GRUBBS felt that his attorney WILLIAM G. DAMMARKILL of Cincinnati, Ohio, did an effective job, whereas the "young attorney" representing the defendant, Jefferson County Commonwealth Attorney EDWIN SCHROCKING, was not effective in his presentation. GRUBBS stated that the Sixth Circuit Court Judges SULLIVAN, PHILLIPS, and KEELEY heard the arguments and took the matter under advisement and to date have rendered no decision.

Approximately a month ago, GRUBBS wrote President JOHNSON about this case furnishing him complete facts and asking that the President take some action to see that GRUBBS's civil rights are protected.

GRUBBS has learned from a source, whom he said he cannot identify because of having received the information in strict confidence, that Assistant Attorney General JOHN DOAR of the Department of Justice, is making sincere efforts to assist in protecting the civil rights of GRUBBS in instant matter.

With respect to his pending appeal in this matter with the Court of Appeals, Frankfort, Kentucky, GRUBBS said that to date that court has not rendered any decision and has given the Attorney General of the State of Kentucky until April 17, 1967, to file briefs in the matter. GRUBBS theorized that the Court of Appeals will not render any decision on the matter until it learns the decision the Sixth Circuit Court in Cincinnati makes in this case.

On 3/10/67 at Louisville, Kentucky File # LS 44-643

b7C

by SA /bbs Date dictated 3/13/67

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (44-28247) DATE: 6/14/67

FROM : *[Signature]* SAC, LOUISVILLE (44-643) (C)

SUBJECT: *[Signature]* b7C

JEFFERSON CIRCUIT COURT
LOUISVILLE, KENTUCKY;
MILLARD D. GRUBBS - VICTIM
CIVIL RIGHTS

Re Louisville airtel 8/19/66 regarding captioned matter.

Enclosed are four copies of a letterhead memorandum of this date setting forth further information volunteered by victim GRUBBS.

Instant matter is an outgrowth of and related to the matter entitled Jefferson Circuit Court, Criminal Branch, Louisville, Kentucky; ET AL; MILLARD D. GRUBBS - VICTIM; ET AL; CIVIL RIGHTS".

A copy of the enclosed has been disseminated locally to the U.S. Attorney.

During telephonic contact with GRUBBS on 6/12/67 it was again mentioned to him that all information he has previously furnished has been made available to the Civil Rights Division, U.S. Department of Justice, and Assistant Attorney General JOHN DOAR has concluded there is no FBI investigative jurisdiction of the matter. It was suggested that in view of this opinion any further information he wished to furnish the Federal Government he might desire to furnish directly to the Civil Rights Division, Department of Justice. GRUBBS stated he fully understood that the FBI can conduct no investigation in this matter without being so requested by the Civil Rights Division, Department of Justice, and GRUBBS in furnishing the information to the FBI was making no request for any action by the FBI but he just wanted SA to know of recent developments in this matter.

ENCLOSURE

(2) - Bureau (Enc. 4)
1 - Louisville
WLW/ep 1 cc CIVIL RIGHTS UNIT
(3) - AAG Civil Rights Division
1 cc: AAG Civil Rights Division
1 cc: W.C.D.

56 JUN 28 1967

18 JUN 16 1967

b7C



5010-108

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

*In Reply, Please Refer to
File No*

Louisville, Kentucky
June 14, 1967

b7C

**JEFFERSON CIRCUIT COURT
LOUISVILLE, KENTUCKY
MILLARD D. GRUBBS - VICTIM
CIVIL RIGHTS**

Attention is invited to a memorandum dated August 19, 1966, concerning captioned matter.

Attached is a copy of a report of interview with Millard D. Grubbs on June 12, 1967.

~~This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.~~

44-38847-11

ENCLOSURE

FEDERAL BUREAU OF INVESTIGATION

Date June 13, 1967

1

MILLARD D. GRUBBS, 1427 South 6th Street, Louisville, Kentucky, voluntarily telephonically contacted the Louisville Office of the Federal Bureau of Investigation and advised as follows:

He has pending in the United States District Court (USDC), Louisville, a request that that Court take jurisdiction in a suit he has brought against **KIMBER N. CARRELL**, Clerk of the Jefferson Circuit Court, Louisville, Kentucky, claiming **CARRELL** has unlawfully converted to his own use, \$870.40 of bond money **GRUBBS** had furnished the Jefferson Circuit Court in February, 1965, when **GRUBBS** deposited a total of \$2500 for release of himself and four co-defendants on bond.

In connection with the above, **GRUBBS** stated that on June 5, 1967, he had filed in USDC in Louisville, an affidavit asking that U.S. District Court Judge **HENRY L. BROOKS** disqualify himself from ruling on **GRUBBS** motion that the USDC take jurisdiction. In an affidavit **GRUBBS** claimed Judge **BROOKS** was biased in the matter.

On June 9, 1967, Judge **BROOKS** ruled on **GRUBBS** request that he disqualify himself. Judge **BROOKS'** ruling was to the effect that in making his request for disqualification, **GRUBBS** had failed to accompany the request with an affidavit from his counsel of record that the request was made in good faith, which procedure is called for by Title 28, Section 144, United States Code. Judge **BROOKS** notified **GRUBBS** he would have ten days to obtain the necessary affidavit otherwise his petition for disqualification is denied.

GRUBBS expressed complete dissatisfaction with the ruling of Judge **BROOKS**, commenting he, **GRUBBS**, does not have a counsel in connection with instant matter and he does not have to employ counsel and therefore the denial on this ground is erroneous. **GRUBBS** stated that with

On 6/12/67 at Louisville, Kentucky File # LS 44-643

b7C

by SA /eb Date dictated 6/12/67

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

respect to the difficulties he has found himself in recently in connection with other matters he has employed attorneys and has "spent nearly \$5,000" for attorneys who have all generally proved "pathetically ineffective" in that they have been "afraid" to unequivocally state the facts as seen by GRUBBS.

GRUBBS further said that he has written the Governor of Kentucky regarding the above decision of Judge BROOKS and in the letter stated clearly that he, GRUBBS, intends to see that his rights are not violated. He said he previously wrote the Governor in November, 1965, with respect to his difficulties and received an answer from the Governor indicating the Governor would look into the matter but "apparently he has done nothing".

GRUBBS further stated he intends to write United States Supreme Justice HUGO BLACK with regard to this matter and will give Judge BROOKS a copy of such a letter.

GRUBBS stated he intends to see that the rights secured him by the United States Constitution are given him notwithstanding what he termed "a conspiracy" by officials of both local and U.S. District Courts in Louisville, Kentucky.

F B I

Date **8/16/67**Transmit the following in _____
(Type in plaintext or code)Via **AIRTEL** **AIR MAIL** _____
(Priority)

TO: DIRECTOR, FBI (44-28247)

FROM: SAC, LOUISVILLE (44-643) (C)

SUBJECT:
 Jefferson Circuit Court
 Criminal Branch
 Louisville, Kentucky,
 ET AL;
 MILLARD D. GRUBBS - VICTIM
 ET AL
 CR

b7C

Re Louisville letter and letterhead memorandum dated 3/14/67.

Enclosed for the Bureau are original and three (3) copies of a letterhead memorandum dated 8/16/67 incorporating information volunteered by victim GRUBBS on 8/15/67.

The data furnished by GRUBBS has been included in a letterhead memorandum primarily as it was felt the statement made by GRUBBS that he feels Assistant Attorney General JOHN DOAR is being influenced by unknown sources not to take action in GRUBBS' behalf might be of interest to the Department.

③ - Bureau (Enc. 4) 1 cc CIVIL RIGHTS UNIT
 1 - Louisville
 WLW/plh
 (4)

1ST-103 REC 11

FBI

FBI

FBI

FBI

Approved 353
59 AUG 2 1967 Special Agent in Charge

Sent _____ Per _____

LS 44-643

**A copy of the enclosed letterhead memorandum
has been disseminated locally to the United States
Attorney.**



In Reply, Please Refer to
File No

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Louisville, Kentucky
August 16, 1967

b7C

[REDACTED]
JEFFERSON CIRCUIT COURT,
CRIMINAL BRANCH,
LOUISVILLE, KENTUCKY;
ET AL,
MILLARD D. GRUBBS - VICTIM;
ET AL
CIVIL RIGHTS

Attention is invited to a memorandum dated March 14, 1967, and previous memoranda concerning captioned matter.

Attached is a copy of a report of interview with Millard D. Grubbs on August 15, 1967.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

44-28347-48

FEDERAL BUREAU OF INVESTIGATION

August 16, 1967

Date

1

MILLARD D. GRUBBS, 1427 South Sixth Street, Louisville, Kentucky, voluntarily furnished the following data telephonically:

He has mailed a letter concerning this matter to the United States Attorney at Louisville, Kentucky, which should have been received by the United States Attorney on August 14, 1967. In his letter he set forth information regarding happenings which have occurred in the past in connection with instant matter which he firmly knows show his civil rights have been violated. Further, in his letter he offered to furnish the United States Attorney any additional information the United States Attorney might desire.

GRUBBS also commented that he now feels very strongly that Assistant Attorney General JOHN DOAR of the United States Department of Justice is using the influence of his, DOAR's, office to prevent any Federal action being taken concerning GRUBBS' complaint.

GRUBBS feels that unknown sources have prevailed upon Assistant Attorney General JOHN DOAR to prevent any Federal assistance being rendered GRUBBS. GRUBBS has no specific data upon which to base this belief, but he commented that "in the past I have written some rather caustic things about high government officials", and GRUBBS believes that because of his past writings he is intensely disliked by officials of the current United States Government Administration. GRUBBS also commented that in the past he has incurred the enmity of the American Jewish Committee and inferred that possibly the American Jewish Committee has been in contact with the United States Department of Justice concerning GRUBBS.

- 2 -

On 8/15/67 at Louisville, Kentucky File # LS 44-643
b7C
by SA [redacted]/plh Date dictated 8/16/67

LS 44-643

2

GRUBBS further commented that CHRISTIAN GLANZ, JR. and JAMES WHEELER, characterized by GRUBBS as "good, conservative Christian men" are running for Governor and Lieutenant Governor respectively on the Kentucky Conservative Party - Liberty Bell ticket in the 1967 Gubernatorial Elections in Kentucky. GRUBBS stated that he helped organize the ticket for these individuals, and during the forthcoming campaign GRUBBS expects to "heavily publicize" in a critical manner the current Government Administration of Kentucky and will use the facts that have occurred in his current case in this connection.

F B I

Date: 10-4-67

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL AIR MAIL
(Priority)

TO: DIRECTOR, FBI (44-28247)

FROM: SAC, LOUISVILLE (44-643)

SUBJECT:

b7C

Jefferson Circuit Court,
Criminal Branch
Louisville, Ky.,
ET AL;
MILLARD D. GRUBBS - VICTIM
ET AL
CR

Re Louisville airtel and LHM dated 8-16-67.

Enclosed for the Bureau are original and 3 copies of an LHM dated 10-4-67 incorporating additional information volunteered in this matter by victim GRUBBS.

With respect to the information in the enclosed as to GRUBBS' complaint that he was denied his request to present evidence to the FGJ in Louisville, Ky., on 9-25-67, GRUBBS commented he realized this was not a matter in which the FBI had any responsibility, but he felt the FBI should know of this as to him it signifies the "depths" to which our country has fallen with respect to protecting the democratic procedures of the country.

Copy of the enclosed has been disseminated locally to the United States Attorney.

3 - Bureau (Enc. 4)
1 - Louisville
WLW/ds
(4)

ENCLOSURE

REC-58

EX 106 CIVIL RIGHTS UNIT

1cc: AAG Civil Rights Division
Form 6-94 5-70 H/AB
10/5/67

OCT 5 1967

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

55 OCT 10 1967



In Reply, Please Refer to
File No.

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Louisville, Kentucky
October 4, 1967

b7C

[REDACTED]
JEFFERSON CIRCUIT COURT,
CRIMINAL BRANCH,
LOUISVILLE, KENTUCKY,
ET AL
MILLARD D. GRUBBS - VICTIM
ET AL
CIVIL RIGHTS

Attention is invited to a memorandum dated August 16, 1967, at Louisville, Kentucky, regarding the captioned matter.

Attached is a copy of a report of interview with Millard D. Grubbs on September 29, 1967.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

44-28247-49
ENCLOSURE

FEDERAL BUREAU OF INVESTIGATION

Date 10-4-67

1

MILLARD D. GRUBBS, 1427 South Sixth Street, voluntarily telephonically contacted the Louisville Office of the Federal Bureau of Investigation and advised as follows:

Knowing that the Federal Grand Jury was sitting in Louisville, Kentucky, on September 25, 1967, he and several acquaintances attempted to get before the Grand Jury to present to it evidence of the crimes he knows have been committed against him as a result of his participation in a citizens arrest in Louisville in January, 1965. However, the bailiff did not permit GRUBBS and his friends entrance to the Grand Jury and through inquiry GRUBBS determined that the bailiff was acting as a result of instructions on the part of the United States Attorney **ERNEST W. RIVERS, Louisville, Kentucky.** GRUBBS on that date contacted RIVERS, and RIVERS told GRUBBS that he, RIVERS, had told the Federal Grand Jury it need not hear GRUBBS in that the matter concerning which GRUBBS wanted the Grand Jury to consider had already been ruled on by "higher authority" as not being a matter within the province of the Federal violation.

GRUBBS stated that he felt U.S. Attorney RIVERS' action was entirely illegal and on the afternoon of September 25, 1967, GRUBBS sent a telegram to the Grand Jury which read "the admittance by the United States Attorney that he had advised you not to hear witnesses in the monstrous crime against the criminal laws of the United States committed under a corrupt conspiracy to conceal the crime of false swearing by the urban renewal director of real estate is an act of desperation on the part of the District Attorney to conceal a crime so overwhelming that it defies description. The Grand Jury is a sovereign body and the law requires it to be the sole judge of whether or not a crime in this district against the laws of the United States has been committed, and only after it has investigated the evidence can it decide on whether to indict. The United States Attorney has no legal authority to try and usurp the duties and functions of this Grand Jury, indeed nor does anyone else have that right.

"We again ask this Grand Jury to name a date and time at which we may present the witnesses and the evidence of a

On 9-29-67 at Louisville, Kentucky File # LS 44-643

b7C

by SA [redacted] /ds -2- Date dictated 10-4-67

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

judicial conspiracy that will alarm this Jury when the facts are revealed."

GRUBBS stated that the Federal Grand Jury at Louisville ended its current business on September 26, 1967, without responding to GRUBBS' telegram. GRUBBS therefore said he was going to apply for a writ of mandamus with respect to the foreman of the Grand Jury and the United States Attorney. Further, GRUBBS said that on September 29, 1967, he had gotten in touch with the foreman of the Grand Jury, a Mr. HILL, Manager of the Filson Club, Incorporated, 118 West Breckinridge Street, Louisville, Kentucky, regarding the matter and HILL said the Grand Jury had read GRUBBS' telegram and had decided to let the United States Attorney in Louisville look into the matter. GRUBBS said he strongly told HILL that it was the Grand Jury's responsibility and not the United States Attorney's to conduct an investigation into the matter.

GRUBBS further remarked that he had just received notice from his Attorney LOWERY that on September 29, 1967, the Court of Appeals at Frankfort, Kentucky, had reversed the conviction of himself and his co-defendant JAMES E. FINCH in Criminal Court in Louisville on the charge of false arrest. He stated that originally there were five defendants in the case, but only himself and FINCH had appealed. He did not know specifics on which the reversal had been based but said there were undoubtedly several errors involved by the Criminal Court.

GRUBBS commented that while he, of course, is happy that his conviction has been overturned this is not going to lessen his efforts to see that Federal action is taken with respect to what he feels has been a conspiracy against him to deprive him of his civil rights.

F B I

Date 10/17/67

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL _____
(Priority)

TO: DIRECTOR, FBI (44-28247)

FROM: SAC, LOUISVILLE (44-643) (C)

SUBJECT:
 b7C Jefferson Circuit Court,
 Criminal Branch,
 Louisville, Kentucky;
 ET AL;
 MILLARD D. GRUBBS - VICTIM;
 ET AL
 CR

OO:LOUISVILLE

Re Louisville airtel and letterhead memorandum
 dated 10/4/67.

Enclosed for the Bureau are original and three(3)
 copies of a letterhead memorandum, dated 10/17/67,
 incorporating information volunteered in this matter by
 victim GRUBBS on 10/13/67.

The information has been incorporated in a letterhead
 memorandum, as it is felt it would be of interest to the
 Department in that it shows the Kentucky Court of Appeals,
 on 9/29/67, reversed the conviction of victim GRUBBS and
 FINCH by the Criminal Court in Louisville, Kentucky, for the
 charge of False Arrest.

A copy of the enclosed has been disseminated locally
 to the United States Attorney, Louisville, Kentucky.

- ③ - Bureau (Encls. 4)
 1 - Louisville

WLW/mfm
 (4)

16 OCT 18 1967

62 OCT 26 1967

Special Agent in Charge

Sent _____ M Per _____

C. C. Bishop

b7C

ENCLOSURE

REC 54

44-28247-50

100 CHAM

100 CHAM CHD

6-44(C)

10/18/67

J. H. J. J.

100 CHAM-CHAM

SIX



In Reply, Please Refer to
File No

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Louisville, Kentucky
October 17, 1967

b7C

[REDACTED]
Jefferson Circuit Court,
Criminal Branch,
Louisville, Kentucky;
ET AL;
MILLARD D. GRUBBS - VICTIM;
ET AL
CIVIL RIGHTS

Attention is invited to a memorandum, dated October 4, 1967, regarding captioned matter.

On October 13, 1967, Millard D. Grubbs, 1427 South Sixth Street, Louisville, Kentucky, personally voluntarily appeared in the Louisville Office of the Federal Bureau of Investigation and furnished a copy of a Court of Appeals of Kentucky decision rendered September 29, 1967, in the matter relating to James E. Finch and Millard D. Grubbs vs. the Commonwealth of Kentucky.

Grubbs observed that the Court of Appeals had reversed the conviction of himself and his co-defendant, James E. Finch, on finding several errors by the Jefferson Circuit Court, Criminal Branch, Second Division, in the trial of Grubbs and Finch.

Grubbs made available a copy of the Court of Appeals decision, and a xerox copy of the decision is attached.

Grubbs further commented that although his conviction has been reversed, he did not intend to cease in his efforts to get Federal action with respect to what he feels has been a violation of his civil rights. In this connection, he made

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

44-28247-50
ENCLOSURE

b7C

Jefferson Circuit Court,
Criminal Branch,
Louisville, Kentucky;
ET AL;
MILLARD D. GRUBBS - VICTIM;
ET AL

available a copy of a letter from him to Richard Hill, Foreman,
U. S. Grand Jury, 118 Breckinridge Street, Louisville, Kentucky,
dated October 6, 1967. A copy of this letter is also attached
to this memorandum.

RENDERED:
September 23, 1967

COURT OF APPEALS OF KENTUCKY

JAMES E. FINCH

APPELLANT

V.

COMMONWEALTH OF KENTUCKY

APPELLEE

AND

HILLARD D. GRUBBS

APPELLEE

V.

COMMONWEALTH OF KENTUCKY

APPELLEE

CONSOLIDATED APPEALS FROM JEFFERSON CIRCUIT COURT
CRIMINAL BRANCH, 2ND DIVISION
HONORABLE J. MILES POUND, JUDGE

OPINION OF THE COURT BY COMMISSIONER CULLEN

REVERSING

James E. Finch and Hillard D. Grubbs were convicted under KRS 435.150 of arresting one H. A. Lewis "otherwise than according to law." Finch was given a one-year sentence and Grubbs received a five-year sentence. Both have appealed.

Two associates of Finch and Grubbs in an organization created by Grubbs called the National Law Enforcement Committee made a "Citizen's arrest" of Lewis on a charge of false swearing. They took Lewis before a magistrate who held a hearing and then ordered

Lewis released from custody on the ground that since the evidence produced at the hearing did not show that Lewis had knowingly and willfully sworn falsely, the evidence was not sufficient to justify holding Lewis for the grand jury. Indictments for false arrest then were brought against Finch, Grubbs, the two associates who had physically made the arrest, and another associate. The theory of the prosecution, fully proved and in fact not denied, was that the arrest was planned and carried out as a specific project of the "National Law Enforcement Committee" in which project all of the defendants participated. One of the defendants was convicted of placing a battery on an armed officer of the law and was given a suspended sentence. The other four all were convicted but the two other than Finch and Grubbs were given suspended sentences and they have not appealed.

The statute authorizing a "citizen's arrest," KRS 431.005 (2), provides that a private person may make an arrest when a felony has been committed in fact and he has reasonable grounds to believe that the person being arrested has committed it. The indictment in the instant case did not indicate in what respect the arrest did not comply with this statute or in what other way the arrest was illegal or false; it simply charged in the words of KRS 435.130 that the arrest was "otherwise than according to law." The appellants moved that the indictment be quashed for failure to state the facts constituting the offense, and they moved in the alternative for a bill of particulars. The trial court overruled both motions, in which rulings the appellants claim error.

Prior to the adoption of the present Rules of Criminal Procedure the holding of this Court was that an indictment under

MS 425.150 was not sufficient, and was demurrable, if it merely alleged that the arrest was "otherwise than according to law," without specifying the circumstances and facts of the arrest. See Carroll v. Commonwealth, 164 Ky. 599, 175 S.W. 1043. Kimbler v. Commonwealth, Ky., 269 S.W. 2d 273; Lewis v. Commonwealth, Ky., 299 S.W. 2d 635. However, the new rules have adopted the principle of notice pleading, ACR 6.10, and it now is deemed sufficient if the indictment fairly informs the defendant of the nature of the crime with which he is charged, without detailing the "essential" factual elements. See Fitzgerald v. Commonwealth, Ky., 403 S.W. 2d 21; Hines v. Commonwealth, Ky., 390 S.W. 2d 152; Kunyan v. Commonwealth, Ky., 393 S.W. 2d 877. So we think there was no error here in the overruling of the indictment. But we think it was error to overrule the motion for a bill of particulars.

The theory of the new rules of criminal procedure is that if the defendant needs information concerning the details of the charge against him to enable him to prepare his defense he should be supplied them through a requested bill of particulars, rather than that a requirement be made that every indictment set forth all details of the charge. As we shall show, we think the defendants in the instant case reasonably needed a bill of particulars to enable them to prepare their defense and to protect them against the surprise of a multiple-theoried prosecution.

As the trial progressed it developed that the prosecution was proceeding on three different theories of an unlawful arrest, each resting on different evidence. One theory was that Lewis

(the man who was arrested) did not in fact swear falsely. Another was that the arrest made by the defendants was not a citizen's arrest (without warrant) but was an attempted official arrest on an invalid warrant. The third theory was that even if the arrest technically was valid it was not made in good faith. See *Bagley v. Commonwealth*, 22 K.L.R. 1971, 60 S.W. 847. We think the presentation of these varied theories, without notice or warning, put an unreasonable burden of defense on the defendants and a undue one on the court. It was error in overruling the motion for a bill of particulars.

The appellants make another claim of error in which we find merit. The error consisted of a statement by the trial judge to the jury that the Court of Appeals had decided in the civil case in which Lewis was alleged to have made a false affidavit, that what was said in the affidavit was true, and that the decision was conclusive of the question of whether Lewis was guilty of false swearing. This statement amounted to a directed verdict of guilty against the defendants because it told the jury that Lewis had not committed an offense, whereas one of the prerequisites of a citizen's arrest is that a felony actually have been committed. The statement was highly prejudicial and in our opinion it was wrong on several grounds, as we shall show.

Lewis was an employee of the Urban Renewal and Community Development Agency of Louisville. That agency had instituted a condemnation proceeding against one Dinwiddie, who was a friend of Grubbs'. On behalf of Dinwiddie, Grubbs caused a motion to be filed in the condemnation suit for dismissal of the suit on the ground of failure to have joined one Emerson, who was associated

to have an interest in the property as a sublessee. Lewis thereupon made and filed in the suit an affidavit that Emerson did not have any interest in the property. (This is the affidavit on which the false clearing charge was based.) The motion to dismiss was overruled and the suit went to judgment. On appeal to the Court of Appeals Dinwiddie asserted as one of his claims of error that Emerson had erroneously been adjudged to be a necessary party. This Court, in its opinion on the appeal, stated that Emerson had transferred such interest as he had in the lease to Phillips Petroleum Company, * * *. This statement in the opinion is what the circuit court in the instant case said was a conclusive adjudication that Lewis had not sworn falsely.

There are at least two reasons why the circuit court's ruling was erroneous. First, for all that appears from the opinion of this Court on the Dinwiddie appeal, Emerson may have transferred his interest to Phillips Petroleum Company after Lewis made his affidavit. Second, part of the record which this Court relied upon as showing that Emerson had no interest may have been the Lewis affidavit itself. Additional reasons may be found in the fact that the defendants in the instant case were not parties to the Dinwiddie suit so as to supply the element of sameness of parties which is essential to res adjudicata, and the quantum of proof required in a civil case is different from that in a criminal prosecution.

It is true that the trial court permitted the defendants to introduce evidence in the latter stages of the trial tending to show that Emerson did have a leasehold interest in the Dinwiddie

property and the Lewis affidavit was therefore false, but the court never withdrew its ruling that the Lewis affidavit had been conclusively adjudged by this Court not to be false. Furthermore, the court permitted the evidence to be introduced by erroneous statements by the prosecuting attorneys that a sublessee of real estate has no interest in the real estate.

Further error was committed by the trial court in that the jury was told that the arrest of Lewis by the two defendants who physically arrested him was "not a valid arrest warrant." The evidence was that when the two defendants confronted Lewis they told him they were making a "citizen's arrest." (Of course this would be an arrest without a warrant, because that is the only kind of citizen's arrest there is.) Lewis asked them what was the charge, and they then handed him an affidavit stating the alleged offense of false swearing, which was attached to a paper entitled "National Law Enforcement Committee's Official Warrant of Arrest." Despite the fact that the defendants never at any time pretended or claimed that they were arresting upon the warrant, or represented to Lewis that they were arresting him upon the warrant, and despite the fact that Lewis did not testify that he attached any significance at all to the so-called warrant, the prosecuting attorneys insisted throughout the trial, by repeated comments to the jury and to the court, and in their final argument to the jury, that the defendants were guilty of false arrest solely and simply because they handed the so-called warrant to Lewis. In the context of the trial and the other instructions, the instruction that the warrant was not a valid

arrest warrant was erroneous and highly prejudicial, because it in effect told the jury that the defendants could be found guilty simply because of their handling Lewis the paper, even though Lewis already had been told that he was under a "citizen's arrest" and the papers were handed to him only after he had asked the nature of the offense with which he was charged.

We find merit also in another claim of error. A policeman was permitted, over objection, to testify that he had kept [redacted] (Law Enforcement Committee) under surveillance for several days and had observed a known criminal enter and leave. This evidence had no possible relevance to the offense charged.

Other errors are asserted which we find it unnecessary to pass on and which therefore are reserved.

It appears that Grubbs, a disbarred lawyer, at the very least was misguided in his quest (as stated by him) to arrest and bring to trial "traitors who committed high crimes in high places;" that the arrest of Lewis was not conducive to or consistent with the orderly enforcement of law, nor made necessary or even desirable by any urgency; and that the defense tactics and antics of Grubbs at the trial were calculated to make it difficult to conduct a fair and impartial trial; nevertheless, our system of justice entitled him to a scrupulously fair trial.

The judgment is reversed with directions for a new trial.

Williams, C. J., Hill Milliken, Montgomery, Osborne and Palmere, JJ., concur.

ATTORNEY FOR APPELLANTS:

Jack M. Lowery, Jr., Louisville Trust Building, Louisville, Ky. 40202

ATTORNEYS FOR APPELLEES:

Robert H. [redacted], Attorney General, Frankfort, Kentucky
Deputy [redacted], Assistant Attorney General, Frankfort, Kentucky

TELEPHONE
ME 7-7321

CABLE CODE
KENCIT

National Law Enforcement Committee

1427 SOUTH SIXTH STREET
LOUISVILLE, KENTUCKY 40208

MILLARD D. GRUBBS
NATIONAL CHAIRMAN

L. R. ZIMMERMAN
KY STATE CHAIRMAN



STONEWALL J. MARQUESS
REGIONAL CHAIRMAN

ROSALIE C. RUTHERFORD
ASSISTANT REGIONAL DIRECTOR

JAMES EDWARD FINCH
KENTUCKY INDIANA
FIELD REPRESENTATIVE

The Lord and the Law *Resist Treason and Terror by Public Traitors*

Mr. Richard Hill
Foreman, U. S. Grand Jury
118 Breckinridge Street
Louisville, Kentucky

Dear Sir:

The corrupt and murderous conspiracy against the undersigned between judges of courts to destroy this writer under the color of law, because of the "Citizens Arrest" of H. A. Lewis, Director of Real Estate for the Urban Renewal Agency here, and to protect said Lewis by falsely accusing the undersigned and others of "A - False Arrest" of said Lewis, involve the ancient rights and liberties of free people that had belonged to the citizens of this republic ever since the Pilgrims landed here, whom I believe would have died to a man, rather than surrender to the "Rule of Treason" under which our civilization is today sinking.

It's impossible for me not to feel strongly and speak warily when discussing matters that mean so much to my country. In my telegram to the Grand Jury dated September 26, and my letter to you of October 2, 1967, presented the Grand Jury an opportunity to strike a fatal blow at the subversion of our liberties and Christian Civilization being carried on by disloyal public officials. It's our belief that there is no right way to do something that is wrong, and that it's senseless to sidestep duty because of political pressures or expediency. When God calls up earth heroes to stand before his face - many a name unknown to fame will ring out from that high place.

"The moving finger writes, and having rit moves on, and all your plety and wit shall not lure it back to cancel half a line, nor all your tears wash away one word of it."

Sincerely,

MDG/der

Millard D. Grubbs

F B I

Date, **11/21/67**Transmit the following in _____
(Type in plaintext or code)Via **AIRTEL** _____
(Priority)

TO: DIRECTOR, FBI (44-28247)

FROM: SAC, LOUISVILLE (44-643) (C)

SUBJECT:
 b7C Jefferson Circuit Court,
 Criminal Branch,
 Louisville, Kentucky;
 ET AL;
 MILLARD D. GRUBBS - VICTIM;
 ET AL
 CR

OO:LOUISVILLE

Agency **CRD**
 Date Form **NOV 24 1967**
 How Form **6-91**
 By **REL: MKC**
 100 CIVIL RIGHTS UNIT

Re Louisville airtel and letterhead memorandum dated 10/17/67.

Enclosed for the Bureau are original and three(3) copies of a letterhead memorandum, dated 11/21/67, incorporating additional information volunteered by victim GRUBBS.

A copy of the enclosed has been disseminated locally to the United States Attorney, Louisville, Kentucky.

Victim GRUBBS was again advised that the Civil Rights Division of the Department of Justice has rendered its opinion that the matter of which he complains does not involve a Federal violation over which the FBI has investigative jurisdiction. He stated he fully understood this and was not

- ③ - Bureau (Encls. **ENCLOSURE**)
 1 - Louisville

WLW/mfm
 (4)

C. C. Bishop

REC-44

EX 104

15 NOV 22 1967

Approved: **WLB**
 70 NOV 29 1967
 Special Agent in Charge

Sent _____ M Per **SIX**

LS 44-643

furnishing the information for the purpose of having the FBI conduct an investigation, but did want the FBI files to be complete with respect to the action he has taken in this matter.



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

Louisville, Kentucky
November 21, 1967

b7C

[REDACTED]
Jefferson Circuit Court,
Criminal Branch,
Louisville, Kentucky;
ET AL;
MILLARD D. GRUBBS - VICTIM;
ET AL
CIVIL RIGHTS

Attention is invited to a memorandum, dated October 17, 1967, at Louisville, Kentucky.

Attached is a copy of a report of interview with Millard D. Grubbs on November 14, 1967.

The documents referred to by Grubbs in the attached report of interview were received in the Louisville Office of the Federal Bureau of Investigation on November 17, 1967, and a copy of each is attached to the report of interview.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

44-28247-51
ENCLOSURE

FEDERAL BUREAU OF INVESTIGATION

November 21, 1967

1

MILLARD D. GRUBBS, 1427 South Sixth Street, Louisville, Kentucky, voluntarily telephonically contacted the Louisville Office of the Federal Bureau of Investigation and advised as follows:

On November 14, 1967, he filed with the Sixth Circuit of the United States District Court, in Cincinnati, Ohio, a petition requesting that Court compel United States District Judge HENRY L. BROOKS, of Louisville, Kentucky, to disqualify himself in connection with action concerning the matter about which GRUBBS has petitioned the District Court in Louisville. Also, GRUBBS has filed with the Sixth Circuit Court a petition made in the matter by BESSIE T. MORRIS, in support of GRUBBS' petition.

GRUBBS further commented that he has recently received some letters from Washington, D. C., the senders of which he could not identify because they wanted their names maintained in confidence, which indicates to GRUBBS the possibility that some United States Senate action might be taken in the future in connection with GRUBBS' unsuccessful efforts to get his case before the Federal Court in Louisville, Kentucky.

11/14/67 Louisville, Kentucky F Louisville 44-643

b7C

SA [redacted] mfm

- 2* -

11/17/67

COPY

IN THE UNITED STATES CIRCUIT COURT OF APPEALS
FOR THE SIXTH CIRCUIT
CINCINNATI

MILLARD D. GRUBBS, AND
BESSIE T. MORRIS

PETITIONERS

VS- PETITION TO COMPEL TRIAL JUDGE TO VACATE THE BENCH.
HAVE GRAND JURY INVESTIGATE CRIMES OF PUBLIC OFFICIALS

JUDGE HENRY L. BROOKS,
PRESIDING TRIAL JUDGE, AND
U. S. DISTRICT ATTORNEY
FOR WESTERN KENTUCKY, ERNEST RIVERS, AND
FOREMAN OF U. S. GRAND JURY, LOUISVILLE,
RICHARD D. HILL

RESPONDANTS

Comes the petitioners, Millard D. Grubbs, and Bessie T. Morris,
in person, and state they, and each of them, are residents and citi-
zens of the United States, and of Louisville, Kentucky. AND

That at all times herein mentioned, the respondent Judge Henry
L. Brooks, has been and still is, one of the duly appointed and
acting regular United States District Judges at Louisville, for
Western Kentucky. AND

That the respondent Ernest W. Rivers, at all times herein men-
tioned, has been and now is, the duly appointed and regular acting
Attorney for the United States in Western Kentucky. AND

That Richard D. Hill, at all times herein mentioned, has been
and now is, the regular duly appointed Foreman of the Grand Jury of
the United States, at Louisville, for Western Kentucky, and that
each of the said respondents are residents of Jefferson County,
Kentucky.

J U R I S D I C T I O N

The jurisdiction of this Court in this extraordinary and unusual
proceeding arises under the Provisions of Sections 1361, 144, and
1651 of Title 28, United States Code.

This is a proceeding for a writ in the nature of mandamus to
require Judge Henry L. Brooks, Regular Presiding Judge of the United
States District Court, for Western Kentucky at Louisville, to vacate
the Bench under the disqualifying facts set forth in Affidavit and

Motion filed in Case No. 5736, now pending before the respondent in said Court, styled Millard D. Grubbs vs. Mrs. Belle L. Dinwiddie, Elmer N. Carrell, clerk of the Jefferson Circuit Court, and Stanley Badesch, Commissioner of said State Court, filed in said case by this petitioner as the plaintiff therein, on August 22, 1967, and denied by the respondent Judge on October 18, 1967, certified copy of which is filed herewith, in support hereof, and to require the United States Grand Jury, the said Judge Brooks, and United States District Attorney to properly perform their duties as officers of the United States Government, in having said Grand Jury set a date and hour to hear the witnesses and testimony regarding a corrupt conspiracy between Judges of Kentucky and other public officials of said state against these petitioners, and having been duly sworn, deposes and states as follows:

(1) The facts disclosing the unbounded and blind prejudice of Judge Henry L. Brooks, respondent herein, against these petitioners is set out below.

(1 a) On February 27, 1967, in a hearing before the respondent Judge Brooks in said case 5736 pending before this respondent, the respondent Judge in substance stated: "You think I'm prejudice against you." To which Mr. Grubbs replied: "Judge, you embarrass me." To which he responded: "It doesn't embarrass me," with a broad grin. Mr. Grubbs answered: "Well, it certainly embarrasses me, but I must tell you the truth. Yes, Judge, I believe you are prejudice against me in this case." The grin vanished from Judge Brooks' face and shortly thereafter he entered in said hearing the following order:

"This case came on for hearing on October 27, 1967, on defendant Stanley Badesch motion for a summary judgment. There appeared Millard D. Grubbs representing himself as petitioner herein, and Walter R. King, and Homer Parrant for defendant Dinwiddie, Martin R. Sullivan, Jr., for defendant Badesch.

It appearing that the defendant Elmer N. Carrell and Belle L. Dinwiddie will file motions to dismiss in this case, the motion for summary judgment of the defendant Badesch will stand submitted. The other two defendants shall file their motions to dismiss within ten days, accompanied by memorandum briefs, and the plaintiff will be given ten days thereafter to respond to the motions."

(1 b) The bias and prejudice of the respondent Judge was demonstrated in a corrupt and framed-up indictment against the petitioner Grubbs, and others in the Jefferson Circuit Court, to conceal the crime of false swearing, by one H. A. Lewis, Director of Real Estate for the Urban Renewal Agency of Louisville, which was removed to the United States District Court at Louisville, and unfortunately for this petitioner was assigned to the respondent Judge Henry L. Brooks, who within a mere matter of hours after an Amended Removal Petition had been filed before Judge Brooks, without affording the petitioner Grubbs, and others, their right to have presented their proof that they would be unable to obtain a fair trial in the state Court, the respondent Judge herein remanded the trial in the framed-up and corrupt indictment back to the State Court to carry out their corrupt plan, and Judge Brooks, in the opinion of this petitioner, in his said order to remand said case, revealed plainly his bias and prejudice against petitioner by these words in his said remand order:

"OTHER ELABORATE CHARGES ARE MADE IN THE COMPLAINT ALLEGING VIOLATION OF CIVIL RIGHTS AND OTHER ACTS OF DISCRIMINATION AGAINST THE PETITIONERS BY PUBLIC OFFICIALS OF THE CITY AND STATE."

The petitioner Grubbs believes that the use of the word "Other Elaborate Charges" was for the purpose of undertaking to question the good faith of petitioner in said removal case, and evidenced his bias in favor of his judicial friends among the conspirators.

(1 c) The bias and prejudice against petitioner Grubbs, on the part of the respondent Judge herein seems to be reflected in the arbitrary order entered by said Judge in the removed prosecution case above noted, by the following order entered therein, set out below in parts:

"Petitioner, John T. Gover, has been indicted by the Jefferson County Grand Jury for unlawful arrest in violation of K.R.S. 435.150, and the Petitioners, Millard D. Grubbs, Walter H. Mullikin and James E. Finch, of aiding and abetting an unlawful arrest in violation of the same statute. They seek to remove these criminal proceedings from the state court, alleging that they are unable to obtain a fair and impartial trial, and that the said indictment against these petitioners, and prosecution thereunder in the state court is the result of a false, unlawful and wrongful conspiracy between state judges and other public officials in the state to try and protect the said Lewis (H. A. Lewis, Director of Real Estate for the Urban Renewal and Community Development group of Louisville, Kentucky) from

the false swearing charge, and to destroy Mr. Millard D. Grubbs, one of the petitioners herein, under the prejudice and bitterness of a pre-existing conspiracy."

(1 d) The petitioner Grubbs and others, On November 30, 1965, next day after the remand order above quoted had been ordered, filed their motion in the said case, before the respondent Judge Brooks to set aside the said remand order and to hear their witnesses and evidence to allow them to establish the truth that they could not enforce their right or obtain a fair trial in the said State Court, which motion was overruled by Judge Brooks on January 11, 1966, and on January 13, 1966, notice of appeal from the said order of remand to this Court was filed by the petitioner and others with the clerk of the U. S. District Court at Louisville, and on January 21, 1967, the petitioner Grubbs herein, and others filed their affidavit and motion in the said U. S. District Court at Louisville, before the respondent herein Judge Brooks for an order enjoining the State Court and its Judge from any further proceeding under his said remand order, unless and until it is finally remanded for such proceedings by the Federal Court, and his said Motion and Affidavit to block the said conspirators in the State Court, in carrying out their evil plan was ignored by the respondent herein Judge Henry L. Brooks, and no relief was given the said removal petitioners.

The petitioner Millard D. Grubbs hereby refers to, adopts, and incorporates by reference the Brief relating to said remand order that was filed in this Appellate Circuit Court by Attorney William J. Dammarel, who represented the Appellants in the said appeal from such remand order, and especially incorporates the laws cited in said brief establishing the fact that it was Judge Brooks' legal duty to have heard the evidence and witnesses in the removal case before any such order to remand was entered.

(1 e) The bias and prejudice of Judge Brooks against petitioner Grubbs herein was further manifested on January 31, 1966, by his order entered on said date denying this petitioner Grubbs, his right to plead any further in the United States District Court in regard to his Petition and Motion for an Injunction against the State Court in the framed-up and corrupt indictment.

(1 f) Prejudice against this petitioner, we feel is established by the fact that Mr. Grubbs has been denied his constitutional right of a Day in Court - a hearing of the witnesses and proof to establish a conspiracy against him between Judges that has existed for nearly forty (40) years, and which was first referred to by this Court, in the case of Grubbs, vs. Judge Ira D. Smith, Special Judge Bob White, Lieut. Governor James Breathitt, Jr., Commonwealth Attorney John T. King, The Louisville Courier Journal and Louisville Times, and others, that was before this Court on Appeal from the dismissal of his complaint filed in the U. S. District Court at Louisville, dismissed on a demurrer, and is reported in Fed. 86 (2) 175. Which grew out of the historic primary election held in Christian County, Kentucky, August 3, 1929, out of which arose several contested election suits to recount the votes cast in said election, and in which the petitioner Grubbs, as a practicing Attorney at Law in this State, represented the contestants, and in which all of the contest suits were dismissed by the trial judge and a recount of the votes denied. Appeals to the Court of Appeals of Kentucky from such dismissal were taken and during the pendency of said appeal, it became the painful duty of the petitioner Grubbs in the honest discharge of his duty as an Attorney at Law, to file in said Court of Appeals in said case, an Affidavit charging Judge Ira D. Smith, with removing Page 8 from the Transcript of Evidence in said appeal before it was signed by the Judge and vitally altering the evidence in said appeal. The violence and anarchy that followed is beyond description, and out of which arose the conspiracy that is now before this Court in this hearing.

(1 g) On May 10, 1967, petitioner Grubbs herein filed a petition in the United States District Court against Elmer N. Carrell, alone, under the Provisions of Section 1983 of Title 42, to recover damages for the denial to him by the said defendant Carrell of the equal protection of the laws of Kentucky and for denying said petitioner and plaintiff his constitutional and legal right. The said case was assigned to respondent Judge Henry L. Brooks, and this petitioner Grubbs filed in said case his Motion and supporting Affidavit to have Judge Brooks vacate the Bench in said hearing, which on June 8, 1967

said affidavit and motion was denied by the said respondent judge herein by the following order:

"The petitioner, Millard D. Grubbs, has filed an affidavit to disqualify the judge of this court to whom this case has been assigned. The affidavit complains principally of prior judicial rulings adverse to the petitioner and alleges some baseless conclusions that do not show the "personal bias" which is a prerequisite to disqualification of a judge. However, even if the sufficiency of the petitioner's affidavit is conceded, Section 144 of Title 28 United States Code requires that the affidavit of the party be accompanied by a certificate of counsel of record stating that the affidavit is made in good faith. The purpose of this requisite is founded on the assumption that a member of the bar as an officer of the court will not abuse the sensitive right to disqualify a judge unless such action is required to assure that justice is properly administered. United States vs. Hoffa (1965) 245 F. Supp. 772; United States v. Hanrahan (1965) 248 F. Supp. 471.

Since the petitioner has no counsel representing him at this time, he is given ten days from the date of this order to obtain counsel of record who will sign the essential affidavit of good faith. Otherwise, the motion to disqualify is denied."

(1 h) On September 11, 1967, the prejudice of Judge Brooks was again revealed by his order entered in the said case against Carrell in which he dismissed the complaint, and denied this petitioner of his right to show by proof the criminal conversion of \$870.40, which the defendant Carrell, converted to his own use or to the use of others of a \$2500 cash bail posted by the petitioner Grubbs with Carrell, as clerk of the state court, under the fraudulent and framed-up indictment, involved in the removal petition above noted. A certified copy of the order by respondent Judge herein is filed herewith in support hereof, and for under color of law and the regulations of his office for depriving and causing the petitioner to be deprived of the equal protection and due process of law, and for oppression and persecution by misuse of public power against this plaintiff.

(1 i) The following quotation is taken from the order by the respondent Judge Brooks, dismissing the Carrell case:

"The plaintiff seeks to invoke jurisdiction by relying on 28 United States Code, Section 1343, entitled "Civil Rights and Elective Franchise."

We pause in the quotation above started to correct the glaring misstatement of fact contained in the order above started because the case sought to enforce his rights because of deprivations thereof under Section 1983 of Title 42 of the United States Code, which provides:

"Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any state or territory, subjects, or causes to be subjected, any citizen of the United States or other persons within the jurisdiction thereof to the deprivations of rights, privileges, or immunities, secured by the Constitution and laws, should be liable to the party injured to an action at law, suit in equity or other proper proceeding for redress."

The complaint against Carrell which the respondent Judge Brooks dismissed by using a wrong provision of the statute charged Carrell with subjecting him, under color of the regulations of his office and under law to the denial of the equal protection of the law, and of other deprivations of denial.

(1 j) The prejudice of the respondent Judge Brooks is clearly exhibited by the order entered on October 27, 1967, in which he sarcastically sought to badger and embarrass the petitioner Grubbs by improper and unnecessary statement or question in the presence of the opposing counsel and at a hearing in which petitioner Grubbs had no legal help. The petitioners file herewith, as a part hereof the response filed by Mr. Grubbs to the said Affidavit for Summary Judgment by the defendant Badesch. The personal prejudice and bias against Mr. Grubbs on the part of the respondent Judge Brooks oozes out of every word contained in that order, as a curser reading will show. It actually encourages the other defendants to file with him, Judge Brooks, a Motion to dismiss plaintiff's case, and it submits the case before the pleadings are even completed.

(1 k) WHEREFORE, the petitioners ask this Court to issue its writ requiring the respondent Judge Henry L. Brooks to vacate the Bench in the hearing of the case now before him as trial judge in the United States District Court, Louisville, styled Millard D. Grubbs vs. Belle L. Dinwiddie, et al, No. 5736, therein, and for his costs herein and for all other legal and suitable, general and special

relief to which he is entitled:

PARAGRAPH TWO

The facts set forth herein in Paragraph One show the desperate need for a Grand Jury investigation by the United States Grand Jury for this District of the conspiracy to deprive these petitioners of their constitutional and legal right, and for such an investigation the petitioners state as follows:

(1) Several attempts by written motion and communication with the respondent Judge Henry L. Brooks, and the other respondents herein have been made by these petitioners to be allowed to present the facts relating to the crimes committed in obedience to said conspiracy, to the said U. S. Grand Jury for Louisville. Two of such written efforts are evidenced by the record of the case of petitioner Grubbs and others, against Judge J. Miles Pound, and Jefferson Circuit Court, being in this Court on appeal of a remand order under No. 17.079.

(b) On or about August 1, 1967, a committee from the Community Improvement League, Inc., led by Miss Bessie T. Morris, its chairwoman and President, made an appointment with the respondent Judge Henry L. Brooks for the purpose of requesting him to have the Grand Jury investigate this corrupt conspiracy. Petitioners filed herewith in support hereof, the affidavit of the defendant Bessie T. Morris, Attorney C. L. Bell, and others relating to what happened in the said appointment with the said Judge Brooks. Judge Brooks, according to the said affidavit, instructed them or advised them to see the United States District Attorney at Louisville concerning having the Grand Jury investigate the conspiracy.

(c) On January 25, 1967, these petitioners and each of them made a vigorous effort to appear before said Richard D. Hill, as Foreman of the said U. S. Grand Jury in Louisville to present to them the evidence establishing said corrupt conspiracy in violation of the criminal laws of the United States, and to have other witnesses appear before said Grand Jury for the same purpose. They were denied the right to present the facts concerning the said conspiracy to said Grand Jury, and was unable to personally see the respondent Richard D. Hill, Foreman of said body. Prior to September 25, 1967

the petitioners, and each of them, contacted both the United States District Attorney, the respondent herein, and Richard D. Hill, Foreman of said Grand Jury, requesting that subpoenas be issued for certain persons in Jefferson County, as witnesses to testify before the Grand Jury to facts showing the conspiracy against these petitioners, all of which were ignored by the District Attorney and for Foreman of the Grand Jury. The vigorous attempt by the petitioners herein to have the said Grand Jury hear their testimony and that of their witnesses in said matter, resulted in the U. S. District Attorney for this District, Mr. Rivers, respondent herein, finally advising us in person that he had informed the Grand Jury Foreman not to hear out witnesses. We file herewith a telegram sent to the said Grand Jury, on September 25, 1967, via the Western Union Telegraph Company of Louisville, with a certificate therein from the superintendent of the Telegraph Company, verifying delivery of said telegram which speaks for itself. Notwithstanding these facts, and the facts contained in the three letters filed herewith and written by the petitioner Bessie T. Morris to the respondents Richard D. Hill, and Ernest Rivers, and one to Judge Walter F. Gordon, another United States District Judge for Western Kentucky, at Louisville, who it appears signed for the said telegram to the Foreman of the Grand Jury.

(d) The foregoing facts disclosed with certainty that these petitioners have been denied by the said officers of the government of the United States of their constitutional and legal rights to appear before said Grand Jury, and to give in evidence concerning the said corrupt conspiracy and crimes being committed against them thereunder, and that it was and is the legal duties of the said respondents Judge Henry L. Brooks, United States District Attorney Ernest W. Rivers, and Richard D. Hill, Foreman of the United States Grand Jury for Louisville to re-assemble and to fix a day and hour in which the petitioners and their witnesses may appear before said Grand Jury and present their testimony to it showing the crimes committed against them under said conspiracy, and by who and what the acts were.

(e) Although its the plain legal duty of the respondents and each of them to have the violation of Sections 241 and 242 of Title 18 of the United States Code, by reason of this conspiracy and the crimes set forth hereinabove, and the crimes set forth in other matters about which evidence will be presented the said Grand Jury, but they will be unable to appear before said Grand Jury and have their witnesses appear before said Grand Jury, to put in evidence the facts showing said conspiracy and crimes against petitioners, and others, and the machinery of the criminal laws to bring such violation and violators of law to trial will not be done unless this court issue its writ against the respondent Judge Henry L. Brooks requiring him, as a Judge of the United States District Court, and an officer of the Government of the United State, to sustain the petitioners said motions and requests and have the Grand Jury perform its duty by hearing the witnesses and the testimony they desire to present the said Grand Jury concerning said crimes, and for the said respondent Judge to have the United States District Attorney perform his legal duty in regard to the rights of these petitioners and citizens and the crimes being committed against them.

WHEREFORE, petitioners ask this Court to issue its said writ against the respondent Judge herein, and compel them, and each of them, to perform their legal duty to these petitioners in regard to hearing the testimony and the testimony of their witnesses concerning the conspiracy and crimes thereunder being perpetrated against them, and for their costs herein and all other relief general and special, legal and equitable, to which they are entitled.

The petitioners file herewith, as a part hereof, the said telegram addressed to the Grand Jury and dated September 25, 1967, marked for identification "Telegram."

The affidavit of Miss Bessie T. Morris, and others, concerning their appointment with the respondent Judge Henry L. Brooks, to have him refer the said conspiracy for investigation to the Grand Jury of the United States for the Louisville District: marked "Affidavit" for identification.

Copies each, of the three letters written by the petitioner Miss Bessie T. Morris to Mr. Ernest Rivers, United States District Attorney, Louisville; one addressed to Mr. Richard D. Hill, Foreman of the U. S. Grand Jury, Louisville, and one addressed to Honorable Walter F. Gordon, U. S. District Judge for Western Kentucky, Louisville, Kentucky.

The petitioners say they have read the statements in the foregoing petition to have respondent Judge Henry L. Brooks, vacate the Bench in the trial of case No. 5736, now pending in said Court styled Grubbs vs. Dinwiddie, et al, and containing Paragraph Two to have Grand Jury perform its legal duties, and that they are true as they verily believe.

In person

In person

Subscribed and sworn to before me by Millard D. Grubbs and Bessie T. Morris, and each of them, this the day of November, 1967.

Notary public in and for Jefferson County, Kentucky

My commission expires:

CERTIFICATE:

It is hereby certified that a true copy of the foregoing petition has been given the respondents, and each of them, by mailing a copy thereof, to them at the addresses listed below, with sufficient postage on each of them:

Judge Henry L. Brooks, addressed to his office in the Post Office Building, Louisville, Kentucky.

Mr. Ernest J.W. Rivers, U. S. District Attorney, addressed to him at his office in the Post Office Building, Louisville, Kentucky.

and copy to Mr. Richard D. Hill, Foreman of the U. S. Grand Jury Louisville, addressed to him at his office at 118 West Breckinridge Street, Louisville, Kentucky.

In person

In person

COPY

IN THE UNITED STATES CIRCUIT COURT OF APPEALS
FOR THE SIXTH CIRCUIT
CINCINNATI

WILLARD D. GRUBBS, AND
BESSIE T. MORRIS

PETITIONERS

VS.

SUPPLEMENTARY BRIEF FOR BESSIE T. MORRIS

JUDGE HOWAY L. BROOKS,
SENIOR TRIAL JUDGE, AND
U. S. DISTRICT ATTORNEY FOR
WESTERN KENTUCKY, EMMETT RIVERS, AND
FORUM OF U. S. GRAND JURY, LOUISVILLE,
RICHARD D. HILL

RESPONDENTS

MAY IT PLEASE THE COURT:

The petitioner, Bessie T. Morris, believes that a little background history of how she became a petitioner in this case would be helpful to the Court.

While she attended the University of Louisville Law School for ten semesters, her studies were not for becoming a member of the Bar, but were for her own protection and in relation to her work as a realtor. She has found her knowledge useful also as President of the "Community Improvement League, Inc.," which she organized and now directs, and that movement is for having justice done by our Judges in Courts. As President of the Community Improvement League, Inc., she became interested in the tremendous struggle being carried on by the Honorable Willard D. Grubbs, who had been sensationalized by the newspapers in the latter 1920's and 1930's, and as she had felt keenly the injustice of Judges, herself, she made a very careful examination of the persecution of Mr. Grubbs, and found a coalition of very bitterly prejudiced Judges and other public servants that hated and feared this outstanding citizen, who is loved and trusted by those that know him.

The petitioner Bessie Morris has been made to distrust Judges of Courts in Louisville by a bitter experience in which she was defrauded of a piece of property in the 1940's worth at that time several thousand dollars in value. She contacted many members of the Bar in Frankfort, Louisville, and throughout the State who examined the

written record of the denials of her rights and each of them in substance said to her: "Miss Morris, you have my sympathy. They just stole your house, but there is nothing I can do about it unless I get in bed with the Judges." The case involved a fee simple deed to a piece of property the petitioner Morris had built and the fraud that was perpetrated upon her by the Commissioner and Judge of the Court, was in bold defiance of the statutes of fraud existing in the State of Kentucky under Section 470 K. A. S. The case was taken to the Court of Appeals and Commissioner Otto Stanley affirmed the case by stating falsely and describing her fee simple deed a "Title Bond."

Now I say that the experiences I have had in enforcing my right are not one to increase my trust in the enforcement of our right in our Courts, but I must say that I was utterly amazed and unprepared for the shock I received on September 25, 1967, when I had, so to speak, the doors of the Grand Jury closed in my face by the respondent herein, Mr. Richard D. Hill, Foreman of the U. S. Grand Jury at Louisville, and it has been utterly impossible for me to digest my astonishment at the United States District Attorney for Louisville, Mr. Rivers, who informed that he had advised the Grand Jury not to hear the evidence - the irrefutable proof that I am prepared to put before a Grand Jury that will establish the corrupt conspiracy between one Agnes Thomas of Louisville and Judge Scott Miller and the Commissioner of the Court, named Alex Booth.

I have also appeared, as Chairman of the Community Improvement League, at all hearings in the prosecution against Mr. Grubbs. Myself and another lady were present on the 27th of October in the chambers of Judge Henry L. Brooks, and the spectacle that took place, in my opinion was shameful. Judge Brooks appeared to have a very bitter prejudice and bias against Mr. Grubbs, and in my opinion, sought to place him in the most embarrassing light he possibly could do. But, Mr. Grubbs was not to be intimidated by anyone. However, the proceedings were not such as to elevate those who conducted it or to inspire a returning respect for the administration of justice in Louisville.

THE EXERCISE OF POWER WITHOUT THE RIGHT TO DO SO IS THE MOST corrupt and cowardly act we know of. To misuse public power to strike a litigant a foul blow from the Bench identifies a monster that is made of treason and fear - a person that is a dog in forehead, and as cowardly as a deer. He thinks it is much safer his Court to go to rob a citizen than to try it on the street, you know. But sometimes, knowing what I do, I ask myself, Is it really safer?

The exhibits and letters that support this unusual proceeding show the terrible conditions and awful acts in Louisville that take place in the name of justice.

Respectfully Submitted,

In person

CERTIFICATE:

It is hereby certified that a true copy of the foregoing Brief by Bessie T. Morris has been given each of the defendants herein and each of the defendants in the case No. 5736, styled Willard D. Crubbs, vs. Belle L. Dinwiddie, et al now pending before the respondent Judge Henry L. Brooks, by mailing a true copy thereof to them as follows:

Judge Henry L. Brooks, Post Office Building, Louisville, Kentucky.

Mr. Ernest Rivers, U. S. District Attorney, Post Office Building, Louisville, Kentucky.

Mr. Richard D. Hill, Foreman of the U. S. Grand Jury, Louisville, Kentucky, 118 West Brockinridge Street, Louisville, Kentucky.

Mr. Walter R. King, Kentucky Home Life Building, Atty. for Mrs. Belle L. Dinwiddie, case No. 5736, Louisville, Kentucky.

Mr. Lawrence S. Grauman, 425 West Liberty Street, Louisville, Kentucky, Atty. of Record for defendant Badguch.

Mr. Martin F. Sullivan, Jr., 115 South Fifth Street, Louisville, Kentucky, Atty. of Record for Mr. Elmer W. Carroll.

In person

FBI

Date 9/5/69

The following in _____
(Type in plaintext or code)

AIRTEL

(Priority)

Mr. Tolson _____
Mr. DeLoach _____
Mr. Mohr _____
Mr. Bishop _____
Mr. Casper _____
Mr. Callahan _____
Mr. Conrad _____
Mr. Felt _____
Mr. Gale _____
Mr. Rosen _____
Mr. Sullivan _____
Mr. Tavel _____
Mr. Trotter _____
Tele. Room _____
Miss Holmes _____
Miss Gandy _____

TO: DIRECTOR, FBI (44-28247)

FROM: SAC, LOUISVILLE (44-643) (C)

SUBJECT: [REDACTED]
b7C Jefferson Circuit Court, Criminal
Branch, Louisville, Kentucky; ET AL;
MILLARD D. GRUBBS - VICTIM;
ET AL
CR
OO: LOUISVILLE

Re Louisville airtel to the Bureau, 11/21/67.

Enclosed for the Bureau are the original and three copies of a LHM of instant date incorporating information voluntarily furnished on 9/4/69, by victim GRUBBS.

For the information of the Bureau, it is noted that in addition to the information in the enclosed GRUBBS stated that one of the individuals whose name he was going to furnish the foreman of the current Federal Grand Jury in Louisville to be subpoenaed as a witness in GRUBBS' behalf is SA [REDACTED] of the Louisville Office. GRUBBS stated that he believes [REDACTED] is a necessary witness in that a portion of the proof he must present of the alleged conspiracy that has long existed against him is the fact that he on a number of occasions furnished complaints regarding the conspiracy against him to the FBI,

4 ENCLOSURE
② - Bureau (Enc. 4)
2 - Louisville
(1 - 44-88)

WLW/atp
(4)

Agency: CRD
Date: SEP 9 1969
How: [REDACTED] to SEP 10 1969
By: [REDACTED]
cc CIVIL RIGHTS UNIT

Approved: [Signature]
Special Agent in Charge
51 SEP 15 1969

Sent _____ M Per _____

LS 44-643

who he understood in turn, in accordance with established procedures, furnished the information to the Civil Rights Division, U.S. Department of Justice. Thereafter, GRUBBS intends to show that the Department of Justice took no action to assist him in his complaints.

b7C

During the conversation with GRUBBS, SA [] pointed out to GRUBBS that [], of course, could not testify as to the accuracy of inaccuracy of the information GRUBBS had furnished []. GRUBBS stated he thoroughly understood this, and his only purpose for asking that [] be subpoenaed is for [] to testify he received the information from GRUBBS and in turn forwarded communications to FBI Headquarters for referral to the Civil Rights Division, U.S. Department of Justice.

In addition to instant file, GRUBBS made reference to his complaint to the Louisville Office in 1953 (Bufile 44-6004, entitled "Various Circuit Court Judges of the State of Kentucky and Louisville Newspaper; MILLARD GRUBBS - VICTIM; CR") and stated he intended to present evidence before the grand jury to the effect that the Louisville Office of the FBI in 1953 conducted investigation regarding GRUBBS' complaint and referred the matter to the Department of Justice who took no action on the complaint.

A copy of the enclosed LHM has been disseminated locally to the USA.

Bureau will be advised in the event GRUBBS is successful in having the Federal Grand Jury at Louisville, Ky., investigate his complaint.



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No

Louisville, Kentucky

September 5, 1969

b7C

[REDACTED]
Jefferson Circuit Court,
Criminal Branch,
Louisville, Kentucky;
ET AL;
MILLARD D. GRUBBS, VICTIM;
ET AL
CIVIL RIGHTS

Attention is invited to memorandum dated November 21, 1967,
and previous memoranda submitted regarding the captioned matter.

There follows a report of interview incorporating
information voluntarily furnished on September 4, 1969,
to a representative of the Federal Bureau of Investigation
by Millard D. Grubbs.

This document contains neither recommendations nor conclusions
of the FBI. It is the property of the FBI and is loaned to
your agency; it and its contents are not to be distributed
outside your agency.

ENCLOSURE 44-28247-52

FEDERAL BUREAU OF INVESTIGATION

1

Date 9/5/69

HILLARD D. GRUBBS, 1437 South 6th Street, Louisville, Kentucky, voluntarily contacted the Louisville Office of the Federal Bureau of Investigation (FBI) and furnished the following information:

He is vigorously continuing in his long-time effort to see that he obtains justice regarding what he termed a long-time conspiracy of thirty years or more to keep him from being able to enforce his rights in Kentucky State Courts or in Federal Courts, which he said is a violation of Title 18, United States Code, Section 241. He is of the feeling that a group of individuals he classified as "Zionist Jews" initiated and are continuing this conspiracy against him. In connection with the alleged conspiracy, **GRUBBS** believes that judges of Kentucky State Courts, as well as Federal Courts have made erroneous opinions with respect to court actions in which **GRUBBS** has been involved.

GRUBBS stated that about two years ago he attempted to personally get before a Federal Grand Jury sitting in Louisville, Kentucky, for the purpose of having the grand jury investigate his complaint. On this occasion, he was not successful in getting before the grand jury as a Deputy United States Marshal would not permit him entrance as the grand jurors did not ask for **GRUBBS** to appear before it. **GRUBBS** on that occasion demanded to know from United States Attorney **ERNEST W. RIVERS** of Louisville, Kentucky, why **GRUBBS** could not get before the grand jury; and according to **GRUBBS**, **RIVERS** told **GRUBBS** that **RIVERS** had told the grand jury not to call **GRUBBS**.

GRUBBS through an acquaintance identified as [redacted] in Louisville, has currently brought to the attention of **TOMMIE SMITH**, described by **GRUBBS** as a golf pro and foreman of the current Federal Grand Jury in Louisville, information regarding his, **GRUBBS'**, complaint and has requested that **SMITH** have the current Federal Grand Jury investigate the matter. Reportedly, **SMITH** sent word to **GRUBBS** through [redacted] that if **GRUBBS** has information of a violation of a Federal law, **SMITH** would see to it that the grand jury, over which **SMITH** is foreman, will look into the

On 9/4/69 at Louisville, Kentucky File # LS 44-643

b7C

by SA [redacted]/afp Date dictated 9/4/69

LS 44-643

2

matter. SMITH reportedly has indicated he may have a special session of his grand jury for this purpose. SMITH reportedly asked that GRUBBS furnish SMITH a list of witnesses GRUBBS would like called before the grand jury in the event it does investigate GRUBBS' complaint. GRUBBS intends to furnish such a list of witnesses to SMITH.

GRUBBS further advised that he intends to request TOMMIE SMITH to have the Attorney General of the United States appoint a special attorney to handle the grand jury during the time GRUBBS' complaint is investigated.